## NOTES OF CASES.

GUARDIANS AD LITEM—APPOINTMENT OF, BY JUSTICE OF THE PEACE.—The somewhat novel question whether a justice of the peace may appoint a guardian *ad litem* for an infant defendant, sued in the justice's court, recently arose in the District of Columbia. The justice having assumed jurisdiction to make the appointment, an appeal was taken to the Supreme Court of the District, and the action of the justice was sustained, as noted in the *Washington Law Reporter*.

It is an interesting question whether in Virginia such appointment would be valid. Section 3255 of the Virginia Code seems to make provision only for cases pending in courts of record.

*Quere:* Has a justice inherent power to appoint a guardian *ad litem* in the absence of statute? If not, and the Virginia statute does not authorize the appointment, what is to be done when an infant is sued before a justice? Will some expert in justice-of-the-peace practice solve the problem for us?

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INJURIES CAUSED BY FRIGHT.—We have heretofore noticed several cases involving the question whether injuries caused by fright, without physical contact, will constitute a cause of action when due to the negligence of the defendant. See 6 Va. Law Reg. 190, 492.

In the recent case of *Ford* v. *Schliessman* (Wis), 83 N. W. 761, it was held that where the fright was caused by an assault on the plaintiff by the defendant, damages might be recovered for the result of the fright, though there was no battery.

The question has more recently been dealt with by the English courts, and the *Law Magazine and Review* thus comments upon it:

"The case of *Victorian Railway Commissioners* (App.) v. *Coultas and wife* (Resp.) (58 L. T. Rep. 390), which was determined by the Privy Council in 1888, decided where a husband and wife were crossing a line on a level crossing, the gate of which has been negligently left open by the company's servants, and while they were in the act of crossing, a train came by at high speed and they narrowly escaped being run over, but did not sustain any physical injury, yet the wife fainted with terror and suffered a shock to her nervous system, and was ill for a long time, that damages for the injury sustained by the female respondent and the consequent expenses caused to her husband were too remote to be recovered in an action. This decision was quoted in *Pugh* v. *London, Brighton and South Coast Railway Company* (74 L. T. Rep. 724), before the Court of Appeal in 1896, but was deemed by the court to be a different kind of case from that then before it. In the case, however, of *Dulieu* v. *R. White & Sons* (111 L. T. N. 158), just decided by a Divisional Court (Kennedy and Phillimore, JJ.), a horse belonging to the defendants being negligently driven came into the public-house where the wife of the plaintiff was sitting behind the bar. The horse did not come into physical contact with the plaintiff, but its sudden appearance frightened her greatly, and in consequence of this fright, she being then *enceinte*, suffered a miscarriage. It was contended on the principle laid down by the Privy Council in